

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:03CR75-1

UNITED STATES OF AMERICA )

)

)

VS. )

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)

)

LARRY ALLEN AIKENS )

)

ORDER OF DISMISSAL

**THIS MATTER** is before the Court on remand from the Fourth Circuit Court of Appeals vacating the Defendant's conviction as to Count Two of the superseding indictment charging him with violating 18 U.S.C. § 922(g)(1) and instructing this Court to dismiss said charge. *See, United States v. Aikens*, 2005 WL 2996439 (4<sup>th</sup> Cir. 2005).

Pursuant to the Fourth Circuit's remand and instructions contained therein,

**IT IS, THEREFORE, ORDERED** that the charge contained in Count Two of the superseding indictment is hereby **DISMISSED WITH PREJUDICE**.

**Signed: December 30, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

